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RUDY K. SOUZA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	Cr. No. 02-00549 HG
	)	
Plaintiff,	)	ORDER GRANTING MOTION TO
	)	CORRECT PRESENTENCE
vs.	)	REPORT
	)	
RUDY K. SOUZA,	)	
	)	
Defendant.	)	
_____	)	

ORDER GRANTING MOTION TO CORRECT PRESENTENCE REPORT

On February 7, 2007, Defendant filed a Motion to Correct Presentence Report, followed by a Second Declaration of Counsel filed on February 8, 2007. The Court having considered the pleadings filed by counsel, and the government

having no objection to the motion, grants Mr. Souza's Motion to Correct Presentence Report.

ACCORDINGLY, IT IS ORDERED THAT the Paragraph 31 of the Mr. Souza's Presentence Report be amended. Originally, Paragraph 31 indicated that Mr. Souza, in 1994, was convicted for Unlawful Imprisonment in the Second Degree. The PSR relied upon police records to detail the facts of Mr. Souza's conviction. The PSR, however, misrepresents the outcome of Mr. Souza's case. While it is true that Mr. Souza was charged with 7 counts of Sexual Assault in the First Degree, Kidnaping, Sexual Assault in the Third Degree, after a jury trial, he was subsequently acquitted of all the sexual allegations. Accordingly, the last sentence of Paragraph 31 should state that on February 9, 1994, Mr. Souza was acquitted of the charged offenses in Counts 1 through 9 and only found guilty of the lesser included offense of Unlawful Imprisonment in the Second Degree as to Count 9.

IT IS APPROVED AND SO ORDERED.

DATED: Honolulu, Hawaii, March 5, 2007.



/S/ Helen Gillmor

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Helen Gillmor  
Chief United States District Judge

APPROVED AS TO CONTENT AND FORM:

/s/ Elizabeth H. Josephson  
ELIZABETH H. JOSEPHSON  
Assistant United States Attorney

/s/ Carter Lee  
CARTER LEE  
United States Probation Officer

UNITED STATES v. SOUZA, Cr. No. 02-00549 HG, Order Granting Motion to Correct Presentence Report